

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Silver Lane, 430 ft. N of
River Road
2119 Silver Lane
15th Election District
5th Councilmanic District
Johnnie Facello, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-363-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Johnnie and Linda M. Facello, for that property known as 2119 Silver Lane in the Cedar Beach subdivision of Baltimore County. The Petitioners herein seek a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft., for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of May, 1993 that the Petition for a Zoning Variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 18 ft., in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth

in their comments dated May 20, 1993, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



(410) 887-4386

May 27, 1993

Mr. and Mrs. Johnnie Facello
2119 Silver Lane
Baltimore, Maryland 21221

RE: Petition for Administrative Zoning Variance
Case No. 93-363-A
2119 Silver Lane

Dear Mr. and Mrs. Facello:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

ORDER RECEIVED FOR FILING
Date 5/28/93
By Th. Book

ORDER RECEIVED FOR FILING
Date 5/28/93
By Th. Book

ORDER RECEIVED FOR FILING
Date 5/28/93
By Th. Book

-2-

-3-



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 2119 Silver Lane which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.2 -- To allow an accessory structure with a height of 18 feet in lieu of the maximum permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) THE PROPOSED GARAGE IS A CARPORT STYLE AND THERE IS NO PLACE TO TAKE OUT THE 30' THAT IS IN QUESTION. THE BUILDING WOULD NOT HAVE A WOODEN DOOR IN OTHER THE 1ST BOOK OR LOT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Johnnie Facello

Linda M. Facello

Linda M. Facello

Linda M. Facello

2119 Silver Lane 3914721

Baltimore, MD 21221

Phone No. 21221

Address and phone number of representative to be contacted.

Address Phone No.

City State Zipcode

Address Phone No.

City State Zipcode

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 4/28/93

ESTIMATED FILING DATE: 5-7-93

ITEM #: 375

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2119 SILVER LANE

BALTO MD 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

THE PROPOSED GARAGE IS A CARPORT STYLE AND THERE IS NO PLACE TO TAKE OUT THE 30' IN QUESTION. THE BUILDING WOULD NOT HAVE A WOODEN DOOR IN OTHER THE 1ST BOOK OR LOT

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Johnnie Facello Linda M. Facello

Johnnie Facello Linda M. Facello

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss.

I HEREBY CERTIFY, this 15th day of April, 1993, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

Johnnie and Linda Facello

the Affiant(s) known, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 15, 1993

My Commission Expires: April 1, 1996

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 2119 SILVER LANE
Election District 15 Councilmanic District 05

Beginning at a point on the EAST side of SILVER LANE (north, south, east or west)

which is 40'-0" (number of feet of right-of-way width)

wide at a distance of 430 ft (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street RIVER RD. (name of street)

which is 40'-0" (number of feet of right-of-way width) wide. *Being Lot # 3

Block Section # in the subdivision of

CLARE POLY as recorded in Baltimore County Plat

Book # 12, Folio # 90, containing

2 ACRES PARCEL (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision Description as shown, instead state: "As recorded in Deed Liber, Folio" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

District 15th Variance Date of Posting 5/7/93
Posted for: Variance
Petitioner: Johnnie Facello
Location of property: (2119) E/S Silver Lane, 120' N/R/Rd.
Location of Sign: Facing road way on property of Petitioner
Remarks: [Signature]
Posted by: [Signature] Date of return: 5/10/93
Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-363-A

Account: R-001-6150

Number

Item No. 375

Taken in by: [Signature]

Date 4-20-93

Owner: Johnnie Facello

Site: 2119 Silver Lane

010 - Res. Variance (ADMIN) - \$50.00

080 - Sign + Posting 35.00

Total \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

Mr. and Mrs. Johnnie Facello
2119 Silver Lane
Baltimore, MD 21221

RE: Case No. 93-363-A, Item No. 375
Petitioner: Johnnie Facello, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Facello:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: May 20, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hak

Enclosures

4-29-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 375 (JJS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teleprinter for Impaired Hearing or Speech
383-7885 Baltimore Metro - 868-5481 D.C. Metro - 1-800-462-6002 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 4, 1993

SUBJECT: 2119 Silver Lane

INFORMATION:

Item Number: 375

Petitioner: Johnnie Facello

Property Size:

Zoning: R.C. 5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl L. Lewis

PK/LW

375.ZAC/ZAC1

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 11, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #375
Facello Prop.; 2119 Silver Lane
Zoning Advisory Committee Meeting of May 3, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations.

JLP:jbm

FACELLO/TXTRMP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: May 3, 1993

FROM: Captain Jerry Pfeifer
Fire Department

SUBJECT: Comments for 05/10/93 Meeting

Item 374	Townhouses for which the initial building permit is applied for after 07/01/92 shall be sprinklered.
Item 375	No Comments
Item 376	No Comments
Item 377	No Comments
Item 378	No Comments
Item 379	No Comments
Item 380	No Comments
Item 381	No Comments
Item 382	No Comments
Item 383	No Comments
Item 384	No Comments
Item 385	No Comments

RECEIVED
MAY 4 1993
ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 375
Facello Property
Chesapeake Bay Critical Area Findings
S-1

SITE LOCATION

The subject property is located at 2119 Silver Lane. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME John and Linda Facello

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.2 of the Baltimore County Zoning Regulations to permit an accessory structure with a height of 18 feet in lieu of the maximum permitted 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>.

Mr. Arnold E. Jablon
May 20, 1993
Page 2

REGULATIONS AND FINDINGS

1. **Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Findings: This property is located approximately 490 feet from the tidal waters of Sue Creek. No disturbance of the shoreline buffer shall occur.

2. **Regulation:** "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. **Regulation:** "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Findings: The amount of impervious areas shall not exceed 5,200 square feet or 25% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed addition will bring the impervious surface up to 4,946 square feet or 24% of the lot, and is in compliance with the above regulation.

4. **Regulation:** "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

FACELLO/WOCBCA

Arnold Jablon
Arnold Jablon
Director

[illegible]

375 To be Razed +



93-363-A
#375

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HOLLY NECK	
DATE OF PHOTOGRAPHY JANUARY 1986		